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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,941	01/10/2001	Christopher A. Rygaard	1010722-991102	9601
26379	7590	06/28/2004	EXAMINER	
GRAY CARY WARE & FREIDENRICH LLP 2000 UNIVERSITY AVENUE E. PALO ALTO, CA 94303-2248			JACKSON, JENISE E.	
			ART UNIT	PAPER NUMBER
			2131	11

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/758,941

Applicant(s)

RYGAARD, CHRISTOPHER A.

Examiner

Jenise E Jackson

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11</u> . | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 1-8** rejected under 35 U.S.C. 102(a) as being anticipated by Jansen et al. NIST Special Publication 800-19 – Mobile Agent Security (hereafter Jansen).

1. As per **claims 1-3**, Jansen teaches a mobile application (MA) security system (title, pg. 2 and section 3.2, bottom paragraph on page 9), comprising; one or more hosts connected to the server computer, each computer executing the mobile application that jumps between the hosts during execution(see pg. 2, pg. 17, section 4.1.4, 4.1.5), central computer for controlling the security of a MA(pg. 18-19 section 4.2 Protecting Agents); the central computer comprising means for monitoring the security of the MA as it jumps between hosts computers wherein the MA is communicated from a first host to a second host it passes through the central computer(see pg. 18-19 section 4.2 protecting agents), wherein the security monitoring means further includes detecting code of the mobile application marked as immutable and means for replacing the immutable code with code known to be safe by the central computer(see pg. 10, 18-19).
2. Further, as per claim 3 for disclosing wherein the security monitoring means further include detecting an itinerary of the mobile application that is marked as immutable and means

Art Unit: 2131

for replacing the immutable itinerary with an itinerary known to be safe by the central computer, is taught by Jansen(see section 4.2.2 and 4.2.3 pg. 21-22).

3. As per claim 4, Jansen teaches wherein the itinerary includes past historical itinerary data(see pg. 17, section 4.1.5).

4. As per claim 5, limitations have already been addressed(see claim 1). Further, Jansen teaches receiving a mobile application each time the mobile application is jumping between a first host and a second host(see pg. 18-19, section 4.2); monitoring the security of the mobile application as it jumps between the host computers(see pg. 18-19).

5. As per claim 6, limitations have already been addressed(see claims 1 and 6 above).

6. As per claim 7, limitations have already been addressed(see claims 3 and 5 above).

7. As per claim 8, recites same limitations as claim 4.

8. Claims 9-14 are objected to as being rejected on base claims. Claims 9-14 are allowable for the feature of inspecting the access control list, and itinerary of the application to determine if it is marked as immutable.

9. Claims 15-16, is allowable for the feature of saving the mobile application code when the code is marked as immutable, the mobile application has not been dispatched in the past and the host dispatching the mobile application is trusted, stripping the code from the mobile application when the code is marked as immutable, the mobile application has not been dispatched in the past and the host dispatching the mobile application is not trusted.

### **Response to Amendment**

Art Unit: 2131

10. The Applicant states that Jansen does not teach “the central computer further includes means for monitoring the security of the mobile application as it jumps between the host computers wherein when the mobile application is communicated from a first host to a second host, it passes through the central computer” as set forth in the claim. The Examiner disagrees with the Applicant, Jansen teaches that the Jumping beans agent system addressed security issues by implementing a client-server architecture, whereby an agent always returns to a secure central host before moving onto any other platform(see pg. 19).

11. The Applicant states that Jansen does not disclose the security monitoring means for detecting code marked as immutable and replacing the immutable code with code known to be safe by the central computer. The Examiner disagrees since Jansen teaches a central host allowing tampering to be detected and prevented from accepting agents/code from someone not defined as a trusted peer(see pg. 19).

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (703) 306-0426. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



June 21, 2004



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